



# NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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## **FCC ENFORCEMENT BUREAU REPORTS ON MAJOR ACCOMPLISHMENTS IN OBSERVING ITS THIRD ANNIVERSARY**

**Washington, D.C.** – Today, the Enforcement Bureau of the Federal Communications Commission marked its third year anniversary by reporting on major enforcement actions that the Bureau or Commission took in fiscal year 2002 (October 1, 2001-September 30, 2002).

Bureau Chief David Solomon said the FCC “has taken over 28 million dollars in enforcement actions during this past year and we will continue to take strong actions that enhance enforcement, protect consumers, and promote public safety.” According to Solomon, “ultimately everything we do in the area of enforcement is aimed at benefiting consumers.”

### **Highlights of enforcement actions during the last twelve months include:**

**Consumer protection enforcement:** The Bureau acted on cases involving “branding” rules that require operator service providers to identify themselves and on cases involving prohibitions against sending unsolicited or “junk” faxes.

**Competition area enforcement:** The Bureau issued a significant forfeiture for violation of merger conditions. Another highlight was a consent decree that resolved investigations into a carrier’s submission of inaccurate information in section 271 proceedings.

**Public safety enforcement:** The Bureau acted on violations of rules concerning: Enhanced-911 operation of the Emergency Alert System; tower painting and lighting for aviation safety; cable signal leakage on aeronautical frequencies; and unauthorized operations or equipment that interfere with air traffic control frequencies. The Bureau also provided assistance to federal, state and local public safety and law enforcement entities to determine the source of signals causing interference on public safety frequencies and served as a focal point for FCC Homeland Security related work.

The Bureau reported that of the more than 28 million dollars in enforcement actions in fiscal 2002, there were (1) \$15 million in consumer protection enforcement actions; (2) \$10 million in local competition enforcement actions; and (3) \$3.5 million in public safety enforcement actions.

**(See attachment for further details of FCC enforcement activity).**

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## **Major Enforcement Actions In Fiscal Year 2002 (10/1/01 – 9/30/02)**

### **Consumer Enforcement Actions**

- *ASC Telecom, Inc. d/b/a Alternatel*, September 23, 2002: proposed \$1,440,000 forfeiture for apparently violating the Communications Act and related Commission rules governing consumer disclosure requirements for operator-assisted calls made from payphones in the “fat finger dialing” context.
- *One Call Communications, Inc. d/b/a Opticom*, September 23, 2002: proposed \$5,120,000 forfeiture for apparently violating the Communications Act and related Commission rules governing consumer disclosure requirements for operator-assisted calls made from payphones in the “fat finger dialing” context.
- *Fax.com Inc.*, August 7, 2002: proposed \$5,379,000 forfeiture for sending unsolicited advertisements, commonly known as “junk faxes,” in violation of the Telephone Consumer Protection Act (TCPA) and Commission rules.
- *Webnet Communications Inc.*, June 20, 2002: proposed \$1,200,000 forfeiture for apparent slamming violations.
- *21st Century Fax(es) Ltd., a.k.a. 20th Century Fax (es)*, January 11, 2002: imposed a \$1,107,500 forfeiture for faxing unsolicited advertisements to consumers in violation of the Telephone Consumer Protection Act (TCPA) and Commission rules.
- *America’s Tele-Network Corporation*, December 17, 2002: imposed a \$1,020,000 forfeiture for slamming violations.
- *US Notary, Inc.*, October 12, 2001: imposed a \$90,000 forfeiture for violating the Telephone Consumer Protection Act (TCPA) and the Commission's implementing rules by faxing unsolicited advertisements to consumers.

### **Competition Enforcement Actions**

- *Verizon Communications, Inc.*, August 20, 2002: \$260,000 consent decree terminating an investigation into compliance with performance reporting conditions imposed in connection with the merger of Bell Atlantic and GTE.
- *Qwest Communications International, Inc.*, July 24, 2002: \$96,000 consent decree terminating an investigation into possible violations of section 51.321(h) of the Commission's rules, which requires incumbent local exchange carriers promptly to post on their Internet site notice of premises that have run out of collocation space.

- *SBC Communications, Inc.*, May 28, 2002: \$3.6 million consent decree terminating two investigations into potential violations of Commission rules and orders in connection with the submission of inaccurate affidavits in section 271 proceedings.
- *SBC Communications, Inc.*, April 15, 2002: imposed a \$100,000 forfeiture for violating Enforcement Bureau order requiring that response to a letter of inquiry be accompanied by a sworn statement attesting to its accuracy.
- *SBC Communications, Inc.*, February 25, 2002: imposed a \$84,000 forfeiture for violating section 51.321(h) of the Commission's rules, which requires incumbent local exchange carriers promptly to post on their Internet site notice of premises that have run out of collocation space.
- *SBC Communications, Inc.*, January 19, 2002: proposed \$6,000,000 forfeiture for apparently violating a competition-related condition, involving shared transport, contained in the FCC Order approving the 1999 merger of SBC and Ameritech Corporation.

### **Public Safety Enforcement Actions**

- *Charter Communications VI, LLC*, September 4, 2002: imposed a \$20,000 forfeiture for violations of the cable system signal leakage rules and for failure to comply with a cease operations order.
- *AT&T Wireless Services, Inc.*, June 18, 2002: \$100,000 consent decree terminating an investigation of possible violations of the E-911 Phase II rules in relation to the company's TDMA network, establishing a compliance plan with benchmarks, and providing for automatic payments of up to \$1,200,000 for failing to meet benchmarks.
- *AT&T Wireless Services, Inc.*, May 20, 2002: proposed \$2,200,000 forfeiture for apparently violating the E-911 Phase II Rules in relation to the company's GSM network, and for not updating an E-911 waiver request to reflect changed circumstances.
- *Cingular Wireless LLC*, May 9, 2002: \$100,000 consent decree terminating an investigation of possible violations of the E-911 Phase II rules, establishing a compliance plan with benchmarks, and providing for automatic payments of up to \$1,200,000 for failing to meet benchmarks.
- *AT&T Wireless Services, Inc.*, April 25, 2002: proposed \$153,000 forfeiture for nine apparent violations of Commission rules concerning the marking, lighting, and registration of antenna structures.
- *SpectraSite Communications, Inc.*, April 25, 2002: proposed \$111,000 forfeiture for six apparent violations of Commission rules concerning the marking, lighting, and registration of antenna structures.

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